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B  
Pinson Valley PA  
Ref. 10

Pipe & Valve Division  
Clow Corporation

1600 National Street  
P.O. Box 6226  
Birmingham, AL 35217

205 841-2721

I/W Clow Corporation  
Jefferson Co.

August 4, 1982



Mr. B. E. Cox  
Alabama Department of Public Health  
Division of Solid & Hazardous Waste  
State Office Building  
434 Monroe Street  
Montgomery, Al. 36130

Dear Mr. Cox:

**CLOW**

Mr. Joe Brewer of the Alabama Department of Public Health recently called on our plant for the purpose of inspecting our solids waste disposal area. At that time, he verbally requested that we furnish your office copies of any analyses of industrial wastes and any hazardous waste information available relating to our location. He also requested a print of our property drawing showing the location of our solids waste disposal area.

In gathering the requested information, the following facts became apparent:

1. We had previously been advised by Mr. Terry Smoak of E.P.A.'s Region IV office in Atlanta that we were not a "Hazardous Waste Generator".
2. We were also advised by Mr. Smoak at the time that our plant permanently discontinued operation that we were not required to submit a "Notification of Hazardous Waste Activity" form. Mr. Brewer questioned why such a form had not been submitted.
3. According to Federal Register 40 CFR, Part 261, Identification and Listing of Hazardous Waste, Subsection 261.4, Exclusions, states "Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily for the combustion of coal or other fossil fuels are not considered hazardous wastes. These are the wastes generated by the operation that was located on this property."

Our plant was shut down in June, 1980 and all production eliminated except for a brief period in one department. All production ceased more than a year ago. The property is currently being marketed for sale.

In light of these facts, please consider whether or not the information verbally requested is needed and appropriate. If the information is needed and appropriate with respect to existing laws and rulings, we would appreciate your written request citing such laws and rulings that apply. Please also indicate the purpose and intended use of the information.

We respectfully wish to comply with legal requirements and have thus relied upon directions from Mr. Terry Smoak of the E.P.A. with regard to our closed facility. Therefore, we respectfully decline providing the information informally requested until we have received your written reply and satisfactory clarification.

Your cooperation in the matter will be appreciated.

Yours very truly,

*Earl Burden*

Earl Burden

EB/sw